

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re PARMALAT SECURITIES LITIGATION

This document relates to: 04 Civ. 9771
05 Civ. 4015
06 Civ. 0704
06 Civ. 2991

DR. ENRICO BONDI,
Plaintiff,

v.

GRANT THORNTON INT'L, *et al.*,
Defendants.

DR. ENRICO BONDI,
Plaintiff,

v.

BANK OF AMERICA CORPORATION, *et al.*,
Defendants.

PARMALAT CAPITAL FINANCE LIMITED,
Plaintiff,

v.

BANK OF AMERICA CORPORATION, *et al.*,
Defendants.

PARMALAT CAPITAL FINANCE LIMITED,
Plaintiff,

v.

GRANT THORNTON INT'L, *et al.*,
Defendants.

MASTER DOCKET

04 MD 1653 (LAK) ECF Case

DEFENDANTS' NOTICE OF
MOTION FOR SUMMARY
JUDGMENT

Electronically Filed

**DEFENDANTS' NOTICE OF MOTION FOR SUMMARY JUDGMENT
ON THE GROUNDS OF *IN PARI DELICTO***

PLEASE TAKE NOTICE that, pursuant to Rule 56(b) of the Federal Rules of Civil Procedure, upon the accompanying:

- (1) Memorandum of Law in Support of Defendants' Motion for Summary Judgment on the Grounds of *In Pari Delicto* (filed under seal);
- (2) Grant Thornton International's, Grant Thornton LLP's, and Bank of America's (Bank of America Corporation, Bank of America National Trust & Savings Association, Banc of America Securities, LLC, Bank of America, N.A., Bank of America International Limited, and Banc of America Securities Limited) Joint Statement of Undisputed and Disputed Facts on *In Pari Delicto* issues and Dr. Bondi's Counterstatement thereto;
- (3) Bank of America's Statement of Undisputed and Disputed Facts against Dr. Bondi and Dr. Bondi's Counterstatement thereto;
- (4) Bank of America's and Grant Thornton International's Joint Statement of Undisputed and Disputed Facts against Parmalat Capital Finance Ltd. and PCFL's Counterstatement thereto; and
- (5) Grant Thornton International's and Grant Thornton LLP's Joint Statement of Undisputed and Disputed Facts against Dr. Bondi, Lead Plaintiffs and Parmalat Capital Finance Ltd. and Dr. Bondi's, Lead Plaintiffs' and PCFL's Counterstatement thereto (all filed under seal);
- (6) Bank of America's Statement of Undisputed and Disputed Facts against Food Holdings Ltd. and Dairy Holdings Ltd. and FHL/DHL's Counterstatement thereto;

and all other papers and proceedings herein, defendants Grant Thornton International, Grant Thornton LLP and Bank of America will move this Court, before the Honorable Lewis A. Kaplan, United States District Court Judge for the Southern District of New York, on a date to be determined by the Court, for an order granting summary judgment and dismissing with prejudice, pursuant to the *in pari delicto* defense, all claims asserted against Grant Thornton International, Grant Thornton LLP and Bank of America by Dr. Bondi and Parmalat Capital Finance Ltd., and granting such additional and further relief as this Court may deem just, proper, and equitable.

Dated: June 1, 2009

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